

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14770, of 5430 Connecticut Avenue, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 358 of the Zoning Regulations to establish a community residential facility of more than 25 persons (Sub-section 358.8), and to establish a community residential facility within a 500 foot radius of another community based residential facility (Sub-section 358.3) in an R-5-C District at premises 5430 Connecticut Avenue, N.W. (Square 1858, Lot 809).

HEARING DATE: March 16, 1988

DECISION DATE: March 16, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the western side of Connecticut Avenue, N.W., between Legation and Livingston Streets, N.W., at premises 5430 Connecticut Avenue, N.W. It is in the R-5-C District.

2. The site measures approximately 50 by 142 feet and contains 6,885 square feet of land area. It is currently improved with a two-story brick building which is vacant. The rear of the lot is adjacent to a 15 foot wide public alley.

3. The site is immediately adjacent to an existing community based residential facility, the Chevy Chase House, located at 5420 Connecticut Avenue, N. W. The applicant proposes to build a facility on a separate lot that would operate as an addition to the existing community based residential facility. The proposed facility will be used for the same purposes as the Chevy Chase House, namely, to care for, and to house, elderly residents.

4. The area surrounding the site is characterized by four to five-story apartment buildings, restaurants, retail establishments and residences. Immediately to the north of the subject site is the Brittany, a six-story apartment building located at 5432 Connecticut Avenue, N.W. To the east of the site, across Connecticut Avenue, are five apartment buildings ranging from four to eight-stories. Immediately to the south of the site is the Chevy Chase House, the only existing community based residential facility in the area. Further south, across Legation Street, is a

nine-story condominium building, the Garfield, located at 5410 Connecticut Avenue, N.W. To the west of the site is a public alley, with single-family residences beyond.

5. Pursuant to Sub-section 3108.1 of the Zoning Regulations, the applicant is seeking special exceptions under Paragraph 358.8 for a facility on the subject site for more than 25 persons and under paragraph 358.3 for more than one community based residential facility within 500 feet of another.

6. The applicant is the owner and manager of the adjacent Chevy Chase House, which has been in operation for ten years. The Chevy Chase House is fully licensed as a community based residential facility. The applicant testified at the public hearing that the Chevy Chase House has 103 rooms, and offers apartment suites to elderly individuals or couples who request, or require, a sheltered living environment and support services to conduct their daily activities. The majority of the residents of the Chevy Chase House, or their families, lived within roughly a two-mile radius of the facility prior to moving to the facility.

7. In accordance with the growing need in the area for more elderly housing with accompanying support services, the applicant proposes to expand its existing facility by adding 28 units which are able to accommodate approximately 30 people. The applicant is the contract purchaser of the subject site.

8. The architect testified at the public hearing that the proposed addition is seven-stories along Connecticut Avenue. Each floor will contain 4 residential units. In addition, 6 parking spaces will be provided at the rear of the site, bringing the overall parking for the Chevy Chase House and the proposed addition to 36 spaces. The proposed building is designed so as to meet all requirements of the R-5-C Zoning District.

9. The existing Chevy Chase House located next door to the subject site has 108 residents, only five of whom have automobiles. Parking is available for these residents to park their cars in the 20 space underground parking garage in the Chevy Chase House. There are, at present, 72 staff persons employed by the Chevy Chase House. Of this number, 35 employees are on duty from 7:00 A.M. to 3:00 P.M., and seven employees are on duty after 3:00 P.M. Staff persons park their cars in legally available parking spaces on nearby streets or in the underground garage.

10. The proposed addition to the Chevy Chase House will accommodate 28 to 30 residents. Based on the parking ratios of the existing Chevy Chase House, one or two of the

new residents will have cars. Three new staff persons will be employed as a result of the proposed addition.

11. The applicant's traffic expert testified at the public hearing that if all of the new staff persons travel to the site by car, the overall parking needs generated by the new addition would be four to five spaces. The traffic expert stated that based on the metrobus ridership ratio for the existing Chevy Chase House employees, it is more likely that only one of the new three staff persons would have a car. He testified that this would bring the new parking needs to two to three spaces.

12. The proposed facility will have six surface parking spaces located at the rear of the subject site. These spaces will be accessible only from the 15 foot public alley. The applicant's traffic expert testified at the public hearing that the applicant has provided as much parking as is needed, and feasible, for the residents and staff on the site. The traffic expert further testified that since the residents are elderly and most do not drive cars, the proposed use of the site will alleviate the parking and traffic congestion which might otherwise occur if the site were occupied by a matter-of-right apartment building. The applicant provides daily transportation for the residents, which further reduces the parking needs of the resident on the site.

13. Except for visitors, vehicular traffic to and from the existing Chevy Chase House, is limited to trash pick ups six days a week, grocery deliveries two days a week, and janitorial supply deliveries two times per week. The trash service is handled by a private contractor. All deliveries are brought to the rear by way of the alley as is the trash pick-up. The proposed structure includes an on-site loading dock at the rear of the site, which will ensure that the alley remains unobstructed when deliveries are made. The existing facility has no loading berth.

14. The traffic expert testified that the cumulative affect of the existing facility and the proposed facility will not have an adverse impact on the neighborhood. The addition will not generate a substantial demand for parking for residents or employees. The traffic expert testified that there is adequate on-site and on-street parking for the parking needs of the existing facility and the addition and that, the proposed loading area will facilitate traffic circulation in the alley behind the site.

15. The applicant's traffic expert testified that there will be adequate, appropriately located and screened off-street parking to provide for the needs of the occupants, employees, and visitors to the facility. He testified that the six additional parking spaces proposed at

the rear of the new addition, combined with the reconfiguration of the existing Chevy Chase House garage to accommodate six additional vehicles and the existing 24 spaces on the adjacent Chevy Chase House site, will be sufficient for the needs of the residents, employees, and visitors of the enlarged Chevy Chase House. He further testified that the six parking spaces proposed for the Chevy Chase House addition are appropriately located so as to only be accessed from the public alley, and not from Connecticut Avenue. The spaces will be screened from the neighboring apartment building to the north by an existing seven foot stockade fence. The board concurs with the testimony of the traffic expert.

16. Noise beyond that experienced in an apartment building is unlikely. The residents are elderly and do not tend to make much noise. The brick construction of the premises will preclude any chance of noise impact on neighboring properties.

17. The applicant has indicated its intent to comply with all applicable code and licensing requirements for the proposed addition.

18. The applicant's land planning expert testified at the public hearing that the addition at this location would have considerably less impact from a land use perspective than would other uses, for example an apartment house which is a permitted use in the R-5-C zone. He further testified that there is an increasing demand for housing of the elderly in the area immediately surrounding the site. Since there are no other nearby community based residential facilities, the proposed facility will not only not have an adverse impact on other community based residential facilities, but will be an asset to an area which has an increasing need for the type of elderly housing proposed by the application. The Board concurs.

19. By memorandum dated February 18, 1988, the Service Facility Regulation Administration (SFRA), the coordinator for CBRF's, supports the proposed addition and recommends approval of the subject application. The SFRA noted that the Chevy Chase House is a community resident's facility in good standing, providing quality care and services to many elderly individuals, who request or require a sheltered living environment and support services to conduct their activities of daily living. SFRA stated that the proposed addition would permit Chevy Chase House to provide additional units to meet the increasing demand for housing for the elderly. SFRA noted that census tract information reveals that the area immediately surrounding the subject site has one of the many highest concentrations of residents over the age of 65. Many of these individuals have lived in the area, owned property and paid taxes. SFRA stated that many

have expressed a desire to remain in the area as it is familiar to them and provides continuity to their life as they transition from private home ownership to apartment living with support services. SFRA concluded that the addition would assist in meeting the identified needs of the elderly in this area of the city for sheltered residential housing.

20. By memorandum dated March 8, 1988, the Office of Planning (OP) recommended that the application be approved at it meets the burden of proof under Section 358 of 11 DCMR. The Board concurs.

21. The application was referred to the Department of Public Works (DPW) for review and report on February 24, 1988.

22. By letter dated March 2, 1988, Advisory Neighborhood Commission (ANC) 3G reported that it voted unanimously to support the proposed facility.

23. Letters of support were submitted to the record from neighboring property owners. Many noted that there is a large group of senior citizens in the area who need the type of services provided by the Chevy Chase House. they indicated that the proposed addition would be a great improvement to the neighborhood. Some of the letters noted that the site is a perfect site for providing additional housing and services to the elderly. Moreover, some of the letters stated that there has been no adverse impact due to the traffic, noise or other conditions due to the operation of the Chevy Chase House as a community residents facility.

24. By letter dated March 16, 1988, and by testimony at the public hearing, Richard Tobin, a neighboring property owner, whose property at 3803 Legation Street, N.W. abuts the alley to the rear of the subject site, described property damage resulting from, among other things, vehicles exiting from the Chevy Chase House garage. The property owner also expressed concern regarding people parking in his driveway and garage, and in the alley itself.

25. The applicant stated at the hearing that due to an incorrect ANC 3G notice, that Mr. Tobin had not been at the ANC 3G meeting and, thus, the applicant did not know of his concerns prior to the hearing. The applicant and Mr. Tobin worked out an agreement which was submitted into the record at the hearing. The agreement, dated March 16, 1988, stated that the applicant agrees to (1) repair all existing damage to Mr. Tobin's cedar fence located along the alley, (2) place protective barriers along Mr. Tobin's northeastern property line to protect his brick wall and cedar fence, and (3) use best efforts to keep the applicant's employees off of Mr. Tobin's property and to have all deliveries made at the new loading dock. The Board finds that the new loading

dock and improved parking proposed by the applicant will alleviate congestion and parking problems in and around the alley. The board further finds that the other concerns expressed by Mr. Tobin have been addressed in the March 16th agreement.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraphs 358.8 and 358.3 and Sub-section 3108.1 of the zoning Regulations. The Board concludes that the applicant has met its burden of proof.

There are no other CBRF's located in the same square as the subject site, other than the Chevy Chase House which is owned and operated by the applicant. Pursuant to Paragraph 358.6, the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood. The proposed facility will not generate a substantial demand for parking for employees or residents. There is adequate on-site parking for the occasional parking needs of the subject facility. The applicant has indicated its intent to comply with all applicable code and licensing requirements. The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area. The Board finds that the applicant has entered into an agreement with the only neighborhood resident who expressed concerns with the proposal. The Board finds that the agreement goals and objectives of the District will be better achieved by a new facility for 28 to 30 people. The goals would not be adequately achieved by a smaller facility at the subject location. In general, the Board finds that in the time the adjacent Chevy Chase House has operated, it has not shown itself to be obtrusive or objectionable to the neighborhood.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property. The Board further concludes that it has accorded to Advisory Neighborhood Commission 3G the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED subject to the following conditions:

1. Construction shall be in accordance with the plans marked as Exhibit No. 9, as amended by Exhibit No. 32A of the record.
2. The proposed facility shall be used as a community residence facility as housing for the elderly.